

REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration of the application. In this response, no claims are canceled, no claims are added, and Claims 1 and 8 are amended. Accordingly, Claims 1, 3-5, 7-8 and 10-12 are pending.

I. Claims Rejected under 35 U.S.C. §102

Claims 1, 3-5, 7-8 and 10-12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,399,415 issued to Chen et al. (Chen). Applicant respectfully traverses this rejection.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Applicant respectfully submits that Chen fails to teach or suggest all limitations of amended Claims 1 and 8.

In this response, Applicant has amended Claims 1 and 8 to clarify that the sacrificial material is conformally introduced on a top portion and a side portion of the first structures. Claim 1 further requires that the sacrificial material is introduced following the formation of the first structure. Applicant submits that at least these limitations are not disclosed by Chen.

In rejecting Claim 1 as being anticipated by Chen, the Examiner equates the trenches 20-23 shown in Figure 2 of Chen as a plurality of three-dimensional first structures set forth in Claim 1 and equates the layers 14 and 16 as the sacrificial material set forth in Claim 1. However, the layers 14 and 16 of Chen are not introduced after the formation of the trenches 20-23 (which the Examiner equates as the claimed "first structures") as required by Claim 1. In addition, the layers 14 and 16 of Chen are not introduced on a top portion and a side portion of the trenches 20-23 (which the Examiner equates as the claimed "first structures") as required by Claim 1. Thus, Chen does not disclose conformally introducing a sacrificial material over an area of a substrate including on a top portion and a side portion of the plurality of the first structures following formation of the first structure, as recited in Claim 1.

Analogous arguments to those above apply to independent Claim 8. Particularly, Applicant respectfully submits that Chen does not disclose conformally introducing a sacrificial material over an area of a substrate including on a top portion and a side portion of the plurality of the first structures following formation of the first structure, as recited in Claim 8.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claims 1 and 8. Claims 3-5, 7 and 10-12 are each respectively dependent on independent Claims 1 and 8. Therefore, the rejected dependent claims are not anticipated by Chen at least for the same reasons as their respective independent claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 9, 2004.



Marilyn Bass

April 9, 2004